

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

CARLOS LEVY, )  
 )  
Petitioner, )  
 )  
v. )      No. 1:10-0005  
 )      Judge Sharp  
DAVID OSBORNE, WARDEN, )  
 )  
Respondent. )

**ORDER**

For the reasons set forth in the accompanying Memorandum, the Report and Recommendation (Docket No. 53), which recommends that Petitioner's Amended Petition for Habeas Corpus be denied on statute of limitations grounds, is hereby REJECTED. This case is RETURNED to the Magistrate Judge to receive evidence and/or hold an evidentiary hearing on the question of whether the statute of limitations should be equitably tolled.

It is SO ORDERED.

*Kevin H. Sharp*

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE